

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARC BAIN RASELLA, Individually and On Behalf of All Others Similarly Situated,

Plaintiff,

v.

ELON R. MUSK and ELON MUSK REVOCABLE TRUST DATED JULY 22, 2003,

Defendants.

No. 1:22-cv-03026-ALC-GWG

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
WAIVER OF SERVICE AND
SUMMONS**

**JOINT STIPULATION AND [PROPOSED] ORDER
REGARDING WAIVER OF SERVICE AND SUMMONS**

Lead Plaintiff Oklahoma Firefighters Pension and Retirement System (“Lead Plaintiff”) and Defendants Elon R. Musk (“Initial Defendant”) and the Elon Musk Revocable Trust dated July 22, 2003 (“Newly-Added Defendant” and, together with the Initial Defendant, “Defendants”) by and through their undersigned counsel of record, hereby stipulate and agree as follows:

WHEREAS, on April 12, 2022, this Action was commenced by the filing of a complaint (ECF No. 1) against the Individual Defendant;

WHEREAS, on October 19, 2022, the Court *inter alia* ordered that Lead Plaintiff shall file its complaint on or before November 18, 2022, *see* ECF No. 30 (the “Scheduling Order”);

WHEREAS, on November 18, 2022, Lead Plaintiff filed its complaint (ECF No. 32) (“Lead Plaintiff’s Complaint”) pursuant to the Scheduling Order and named the Newly-Added Defendant for the first time;

WHEREAS, counsel for the Newly-Added Defendant has agreed to accept service of Lead Plaintiff’s Complaint on behalf of the Newly-Added Defendant; and

WHEREAS, Lead Plaintiff and the Newly-Added Defendant agree that the current schedule for a response to Lead Plaintiff's Complaint that applies to the Initial Defendant also should apply to the Newly-Added Defendant.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for Lead Plaintiff and the undersigned counsel for Defendants, that:

1. The undersigned counsel for the Newly-Added Defendant hereby accepts service of Lead Plaintiff's Complaint on behalf of the Newly-Added Defendant in this action and represents that they are authorized to do so.
2. By entering into this Stipulation, the Newly-Added Defendant does not waive any defenses, objections, or arguments, apart from insufficiency of service.
3. The schedule provided in the Court's Scheduling Order with respect to a response to Lead Plaintiff's Complaint shall apply to all Defendants, including the Newly-Added Defendant.
4. All electronic signatures ("s/") are signed with consent of counsel pursuant to Rule 8.5 of this Court's Electronic Case Filing Rules and Instructions updated as of November 1, 2022.

IT IS SO STIPULATED.

Dated: November 29, 2022

**BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP**

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*Counsel for Defendants Elon R. Musk and the
Elon Musk Revocable Trust dated July 22,
2003*

Dated: _____, 2022

HON. GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE